

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 7

Case No: 09-40810 (DEM)

BARUCH BLOCH,

Debtor.

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APPELLEE'S COUNTER-DESIGNATION OF ISSUES ON APPEAL

The Debtor-Appellee hereby counter-designates the issues on Appeal pursuant to Bankruptcy Rule 8006 to the Rules of Bankruptcy Procedures.

1. Did the Bankruptcy Court err in denying, at the July 2, 2009 hearing, the reconsideration Motion where the Movant failed to establish by clear and convincing evidence the existence of any facts of law not previously available to the Movant that was overlooked and would change the Court's original determinations, denying the Lift Stay Motion.

2. Was the Appellant's claim at the July 2, 2009 hearings that the "issue" was not "completely discussed" sufficient to meet the clear and convincing standard for reconsideration.

3. Was the Appellant entitled to seek reconsideration where the Appellant failed to submit an order at the initial hearings on May 14, 2009 as offered by the Appellant and as directed by the Court.

4. Did the Bankruptcy court properly deny the lift stay and dismissal Motion where the Appellant failed to present a prima facie case at the May 14, 2009 hearing.

5. Was the Appellant entitled to a Lift Stay where the Appellant failed to establish, at the May 14, 2009 Hearings, “cause” under Section 362 of the Bankruptcy Code, pursuant to Second Circuit authority.

6. Did the Court err in denying the Motion to Lift Stay where Appellant failed to rebut, at the May 14, 2009 Hearings, the Debtors showing that there existed no non-estate property from which to collect support errors, and that permitting the Appellant to proceed in State Court might result in the assessment and imposition of liens on the jointly held property of the Debtor and his wife which would harm the Debtors’ estate and adversely affect the Debtor’s creditors.

7. Had the Appellant shown any entitlement at the May 14, 2009 hearings to a Lift Stay where the Appellant will not be prejudiced by filing claims in the Bankruptcy Case, and having the Bankruptcy Court determine the validity, priority and dischargeability of such claims, all as provided by the Bankruptcy Code.

8. Did the Bankruptcy Court properly deny at the May 14, 2009 hearings a request for a declaratory judgment for prospective lifting of a stay for future proceedings.

Dated: New York, New York
August 25, 2009

Respectfully submitted,

LEO FOX, ESQ.

s/ Leo Fox
Leo Fox (LF-1947)
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AFFIRMATION OF SERVICE

LEO FOX, duly affirms under penalty of perjury:

1. I am an Attorney, not a party to this action, and reside at 630 Third Ave New York, New York.

2. On August 25, 2009, I served a true copy of the within **Appellees Counter Designation of Issues On Appeal** by fax and mail upon the following persons at the addresses and fax numbers shown below:

Backenroth Frankel & Krinsky LLP
Attention: Abraham Backenroth, Esq.
489 Fifth Avenue, 28th Floor
New York, NY 10017
Attorneys for Basya Bloch
Fax Number: 212-644-0544

Robert L. Geltzer, Trustee
1556 Third Avenue
New York, NY 10128
Fax Number: 212-410-0400

Dated: New York, New York
August 25, 2009

s/Leo Fox
Leo Fox